

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY HARRISON,

Petitioner,

v.

D. PEDRO,

Respondent.

CASE NO. C22-5757 BHS-MLP

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on Magistrate Judge Michelle L. Peterson's Report and Recommendation ("R&R") recommending that this Court transfer Petitioner Timothy Harrison's 28 U.S.C. § 2254 amended Petition for Writ of Habeas Corpus, Dkt. 10, to the Ninth Circuit Court of Appeals because it is a second or successive petition. Dkt. 18. The Court, having considered the R&R and the remaining record, and no objections having been filed, does hereby order as follows:

(1) The R&R is **ADOPTED**;

(2) Petitioner's Amended Petition for Writ of Habeas Corpus, Dkt. 10, is **TRANSFERRED to the Ninth Circuit Court of Appeals** as a second or successive petition;

1 (3) The Clerk is directed to administratively close this case and to transfer all
2 original documents to the Ninth Circuit Court of Appeals. The Clerk shall, however,
3 retain a copy of the petition and of this Order; and

4 (4) The Clerk is further directed to send a copy of this Order to Petitioner and
5 to the Honorable Michelle L. Peterson.

6 Dated this 3rd day of April, 2023.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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